



Atty. Dkt. No. 071949-5301

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dahlen et al.  
Title: USE OF B-TYPE  
NATRIURETIC PEPTIDE AS A  
PROGNOSTIC INDICATOR IN  
ACUTE CORONARY  
SYNDROMES  
Appl. No.: 09/835,298  
Filing Date: 4/13/2001  
Examiner: Ann Y. Lam  
Art Unit: 1641  
Confirmation Number: 4762

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.
<u>Vanessa Agha</u> (Printed Name)
<u>Vanessa Agha</u> (Signature)
<u>10/25/06</u> (Date of Deposit)

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment-IDS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR

§1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

### **RELEVANCE OF EACH DOCUMENT**

The original Hassan article was published in French. An English language translation of the article is attached.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

### **FEE**

A credit card payment form in the amount of \$180.00 is enclosed in accordance with 37 CFR §1.17(p) to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit

card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 10/25/2006

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By Barry S. Wilson

Richard Warburg, Reg. No. 32,327  
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Attorney for Applicant

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
Application Number		09/835/298	
Filing Date		4/13/01	
First Named Inventor		Dahlen et al.	
Group Art Unit		1641	
Examiner Name		Ann Y. Lam	
Attorney Docket Number		071949-5301	

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	6756483		Bergmann et al.	06-29-2004	

### U.S. PATENT APPLICATION DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Application Document		Name of Patentee or Applicant of Cited Document	Filing Date of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Serial Number	Kind Code <sup>2</sup> (if known)			

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A2	WO	00/22439		B.R.A.H.M.S. Diagnostica GMBH	04-20-2000		

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A3	ACC/AHA Guidelines for the Management of Patients With ST-Elevation Myocardial Infarction, Section 2.3, p. e8.	
	A4	ACC/AHA 2002 Guideline Update for the Management of Patients With Unstable Angina and Non-ST-Segment Elevation Myocardial Infarction, "Overview of Acute Coronary Syndrome," pages 4 and 20.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Attorney Docket Number	071949-5301				
Sheet	2	of	3		

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	A5	American College of Cardiology and the Joint European Society of Cardiology, <i>J. Am. Coll. Cardiol.</i> 36: 959-969 (2000), Albert et al., section entitled "II. Clinical Presentation," p. 960.	
	A6	Goetze <i>et al.</i> , "Quantification of pro-B-type natriuretic peptide and its products in human plasma by use of an analysis independent of precursor processing," <i>Clin. Chem.</i> 48: 1035-42, 2002	
	A7	HASSAN et al., "Non-viable myocardium, documented by TL-201 SPECT, is a main determinant of the increase in the secretion of cardiac natriuretic peptides" <i>Medecine Nucleaire</i> , 2000, 24/6, pp 301-310 (Database EMBASE Accession No. 2001129199 and English language translation)	
	A8	Omland <i>et al.</i> , N-terminal Pro-B-Type natriuretic peptide and long-term mortality in acute coronary syndrome. <i>Circulation</i> 106: 2913-18 (2002)	
	A9	Rabbani, Editorials, "Acute coronary syndromes-Beyond Myocyte necrosis." <i>N. Engl. J. Med.</i> 345: 1057-59 (2001)	
	A10	Sagnella, "Measurement and importance of plasma brain natriuretic peptide and related peptides," <i>Ann. Clin. Biochem.</i> 38: 83-93, 2001	
	A11	Shimizu <i>et al.</i> , "Degradation of human brain natriuretic peptide (BNP) by contact activation of blood coagulation system," <i>Clin. Chim. Acta</i> 305: 181-6, 2001	

Examiner Signature		Date Considered	
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	A12	Silver <i>et al.</i> , "BNP Consensus Panel 2004: A Clinical Approach for the Diagnostic, Prognostic, Screening, Treatment Monitoring, and Therapeutic Roles of Natriuretic Peptides in Cardiovascular Disease," <i>CHF</i> 10[5 Suppl. 3]: 1-30 (2004)	

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